

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CHERYL DENISE DUGGAN,¹

Plaintiff,

v.

Case No. 18-11125
Honorable Denise Page Hood

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ACCEPTING REPORT AND RECOMMENDATION
AND DISMISSING ACTION**

This matter comes before the Court on Magistrate Judge R. Steven Whalen's Report and Recommendation. [#15] Plaintiff filed this action on April 9, 2018, asking this Court to review the Commissioner's final decision to deny her application for Supplemental Security Income (SSI) under the Social Security Act. The Magistrate Judge entered the Report and Recommendation on May 22, 2019, wherein he recommended that the Court grant the Commissioner's Motion for Summary Judgment, deny Plaintiff's Amended Motion for Summary Judgment, and dismiss Plaintiff's cause of action. Neither party filed any objections to the Report and Recommendation.

¹Plaintiff's application for benefits lists her name as Dugan, but the Court uses the spelling found in the caption of the Complaint.

Judicial review of the Commissioner's decision is limited in scope to determining whether the Commissioner employed the proper legal criteria in reaching his conclusion. *Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference. *Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987). A district court's review of an ALJ's decision is not a *de novo* review. The district court may not resolve conflicts in the evidence nor decide questions of credibility. *Garner*, 745 F.2d at 397. The decision of the Commissioner must be upheld if it is supported by substantial evidence, even if the record might support a contrary decision or if the district court arrives at a different conclusion. *Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1984); *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Furthermore, as neither party has raised an objection to the Report and Recommendation, the Court finds that the parties have waived any further objections to the Report and Recommendation. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (a party's failure

to file any objections waives his or her right to further appeal); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

For the reasons stated above,

IT IS ORDERED that the Report and Recommendation [Docket No. 15, filed May 22, 2019] is **ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment and Amended Motion for Summary Judgment [Docket Nos. 10 and 11, filed October 31, 2018] are **DENIED**.

IT IS FURTHER ORDERED that the Commissioner's Motion for Summary Judgment [Docket No. 14, filed December 3, 2018] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED WITH PREJUDICE**. Judgment shall be entered separately.

Dated: June 28, 2019

s/Denise Page Hood
United States District Judge